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NATIONAL RECOVERY ADMINISTRATION

DIVISION OF REVIEW

HISTORY OF THE REVIEW DIVISION

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MEMORANDUM TO: SECTION HEADS December 19, 1935

SUBJECT: WORK MATERIALS No. 19

HISTORY OF THE REVIEW DIVISION

There is here presented the history of the Review Division of the National Recovery Administration prior to June 16, 1935; and in order that it will not be confused with the Division of Review created by the President of the United States on June 16, 1935, it is well to briefly explain the functions of the old Review Division.

On February 8, 1934, the Administrator for Industrial Recovery by Office Order No. 68 constituted the Review Division to have responsibility for

(a) The review of codes and orders submitted for the action of the Administrator for the purpose of (1) verifying compliance with established policies (2) preparing a brief summary and memorandum for the information of the Administrator.

(b) The review of all rulings made pursuant to approved codes for the purpose of disclosing (1) inconsistencies with established policy and (2) inconsistencies between such rulings.

(c) The study of all problems of doubtful (industry) classifications.

(d) The review of approved codes for the purpose of suggesting amendments to bring them into accord with established policy.

(e) Such other functions in the nature of review and coordination as were assigned by the Administrator from time to time.

Obviously, the Administrator, in addition to a multitude of duties involving the heaviest of responsibilities, had neither the time to read all the documents submitted for his approval nor to adjust the conflicting views both within and without the Administration. Such a safeguard as the Review Division was necessary so that when a document reached the office of the Administrator it would have been reviewed to ascertain whether its provisions were compatible with the Act and whether divergencies of interest had been reconciled to the greatest possible degree, and to provide a brief synopsis of pertinent provisions in tabulated form so that the Administrator at a glance could perceive the unreconciled conflicts of interest and provisions of an unusual character which called for his consideration.

Since the Review Division strove to insure consistency with established policy, the history of that Division will be useful to those engaged in the preparation of studies in the various fields.

L. C. Marshall
Director, Division of Review

9306

* * *

- HISTORY -

of the

ORIGIN, DEVELOPMENT, ACTIVITIES,

PROBLEMS AND STATISTICS

of the

- REVIEW DIVISION -

of the

NATIONAL INDUSTRIAL RECOVERY ADMINISTRATION

WASHINGTON, D. C.

* * *

- C O N T E N T S -

REVIEW DIVISION HISTORY

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July 15, 1935.

To: E. M. Jeffrey, Chief, Review Division

From: H. A. O'Connell, Asst. Chief, Review Division

Subject: HISTORY OF THE REVIEW DIVISION, N. R. A.

There is herewith transmitted for your approval the history of the Review Division

The history is incorporated in three volumes:

Volume I - Contains the history proper,

Volumes II and III, - Contain the Exhibits referred to in Volume I

The history as submitted conforms to the model outline for non-industry division and board histories, and in accordance with the requirements of the model outline an original and five copies have been made of each of the three volumes.

The submitted volumes, in my opinion, adequately portray the history of the Review Division

I have been associated with the exercise of the function of review since August 5, 1933.

Yours very truly,

/S/ H. A. O'Connell

Approved:

_____

Chief, Review Division

PART I - ORIGIN

Passage of the Act:

The passage of the National Industrial Recovery Act on June 16, 1933 (Exhibit I-a) found a small skeleton organization of officers and clerical personnel present in the U. S. Department Commerce Building, Washington, D. C., in preparation for the administration of the National Industrial Recovery Act.

Early NRA Organization:

The early organization of the Administration consisted of the Administrator, the Executive Officer, the Assistant Administrator for Industry, the Assistant Administrator for Labor, the Deputy Administrators, the Industrial, Labor and Consumers' Advisory Boards, the Research and Planning Division, the Legal Division, Control Division, Code Analysis Division, the Chief Clerk's office, and attendant personnel.

Necessity of the Function of Review:

The function of the review of documents forwarded for administrative approval originated in the Executive Office of the National Recovery Administration. The problem immediately arose if a document presented to the Administrator for his recommendation of approval to the President was, in fact, a document whose provisions were within the boundaries of the Act, and whose provisions would effectuate the policies of the Act after giving due regard to the divergent interests of industry, labor, and consumer.

Obviously the Administrator, in addition to a multitude of duties involving the heaviest of responsibilities, had neither the time to read all the documents submitted for his approval or adjust the conflicting views both within and without the Administration, particularly when the volume of such documents increased daily.

It was soon apparent that a final safeguard was necessary so that when a document reached the office of the Administrator it would have been reviewed to ascertain if its provisions were compatible with the Act, and divergencies of interest reconciled to the greatest possible degree, and a brief synopsis of pertinent provisions prepared so that in tabloid form the Administrator at a glance could perceive the unreconciled conflicts of interest and provisions of an unusual character which called for his consideration as within or without the rapidly originating policy of administration.

Threefold Aspect of Function of Review:

The function of the review of documents presented to the Administration a threefold aspect. The first consideration was that the Administrator be safeguarded from making recommendations for approval of documents not within the Act and not within the policy of the administration as based upon administrative action taken in prior instances. The second aspect already mentioned was the time element in respect to the approving authority. The third aspect, of an educational nature, was

the dissenination of administrative policy as established by the Administration for the benefit and aid of the Deputy Administrators engaged in the formulation of documents submitted for administrative approval.

Executive Officer First to Exercise Function:

The Executive Officer to first undertake such a task was Mr. John M. Hancock, assisted by Mr. Edward Kapp. Since the Executive Office had a multitude of duties in addition to the review of codes the review was of a most elementary nature. In the early days of July, August, and September, 1933 each action established a precedent rather than followed one. The field of action was so large and the combinations of conditions so great that for a considerable time the action taken on the early documents, for the great part codes, set guide posts for subsequent action rather than to retread the trodden path. (Exhibit I-b)

Early Policy Formulation:

The situation then confronted was somewhat similar to a man building a structure and living in it at the same time. A blue print was non-existent. The blue print and the structure developed simultaneously, and in some instances the blue print was the record of the structural development rather than the guiding origin.

The structure of administrative policy had to be moulded to take into account the sharp, and sometimes bitter, winds of the conflicting interests of industry, labor, and consumer within the permitted boundaries of the Act, and Administrative policy already established.

While the term 'winds' in this connection might be called trade winds, in many cases they did not blow from the same unvarying direction as trade winds, but shifted continuously as approved codes increased in number, and industrial air-pockets not previously considered were discovered, as the direct and indirect effects of code provisions permeated the industrial system.

Vigorous shifts in administrative policy necessitated a constant revamping of permissible provisions. Like the folk lore of the ancients the enunciations of policy were transmitted, for the most part, orally and based on the sometime cryptic recommendations of the Administrator. Illustrations of the manner in which the Administrator formulated early administrative policy by notations on code summary memorandums may be found in Exhibits I-c-d-e-f.

The entire procedure, if it might be dignified by such name, was extremely informal. The desire of the code sponsors for speedy approval of codes, coupled with the necessity of rapid code coverage for the entire industrial United States, injected an element of tension in the work that made for informality of action rather than the cleaving to a strict procedural routine. (Exhibit I-g)

Mr. Alvin Brown Appointed Executive Officer:

Mr. Hancock and Mr. Kapp, whose services had been loaned by the investment banking house of Lehman Brothers, New York, were recalled, and Mr. Alvin Brown was appointed Executive Officer on September 2, 1933.

PART II - DEVELOPMENT

Uncodified Condition of Early Administrative Policy:

The period from the middle of June until October 1933 was a sufficient period to create many of the principal policies of the Administration, but much of such policy had never been reduced to the written word. The boundaries of an established policy in respect to a code provision had never been surveyed. Many different interpretations were rife as to the intent and meaning of the policy; unusual conditions under which deviation from policy was proper, had never been enunciated. There was no clear cut written compilation of established policy.

First Compilation of Administrative Policy:

Soon thereafter Mr. Alvin Brown, as Executive Officer, commenced the task of hewing into shape the established policy of the Administration. This task involved first what was, and was not, established policy; second, the wording of the principle of the policy in concise accurate language; and third, the scope of the particular policy and the exceptions that could properly be made. The confidential memorandum of October 25, 1933 was an example of this work, (Exhibit II-a). This memorandum covered many important subjects but in addition to the importance of the principles of policy enunciated was so concisely and accurately worded that it well served for many months as the first bible of NRA policy, with a minimum of confusion as to meaning and application.

Review of Codes in Early Period Constituted Bulk of Work:

It is pertinent to mention that during this interval of time, i.e., from the passage of the Act to November, 1933, as well as for an extended period to about March, 1934, by far the great bulk of documents submitted for review were codes, (Exhibit II-b). Amendments to codes, classification problems, exemptions, interpretations and other orders of a like nature, occasionally were forwarded but not until 1934; until industry had been covered by codes, did the necessity for such orders assume substantial proportion. As the volume of such orders increased the volume of codes submitted for approval decreased.

Uniformity of Documents Submitted for Review:

Until November of 1933 documents were submitted for approval without any particular regard as to uniformity in respect to the required number of volumes, number of copies, their place in the submitted code, and the required contents of the volumes. The executive officer systematized the manner of presentation of such documents in a short memorandum which later in amplified form became Office Order #43, of November 21, 1933, entitled "Procedure for compiling a record of original documentary matter for codes of fair competition", which did much to expedite the work of review, and to clarify and emphasize the required presentation both as to the nature of subject matter and the form in which submitted.

Evolution of the Review Summary:

Mr. Alvin Brown, the then Executive Officer, devised the review summary during November 1933, (Exhibit II-c). The object of the summary was many fold. Its benefits, both direct and indirect, were numerous. Its primary object was to provide the Administrator with a condensed summary of the code provisions with the divergent views of the Advisory Boards under the criticised code provisions. This device, at a glance, brought to light the controversial provisions and in many instances code provisions not objected to, which in their nature were objectionable, and also afforded a method of sifting the material from the immaterial; gave opportunity to exercise decision upon the fundamentals of the code without becoming befogged with detail matter, and saved much time for the Administrator.

One advantage of the summary was that it was in written form. Prior to the origin of the summary in many instances the report to the Administrator was verbal. Such a method was faulty, since in the effort to conserve the Administrator's time vital provisions were in danger of being slurred over, or because of the ineptness of the explanatory verbal description of the controversial code provision the Administrator formed an opinion that the provision meant one thing, while the actual language of the code clearly meant a different thing.

The written summary served another purpose in being available for easy comparison with subsequent codes for industries allied, or of a comparable nature, with the prior approved code for which the summary was written.

Many instances occurred where a comparison with the summaries of prior codes brought to light the fact that the provisions of the code being submitted for approval should be materially altered, either in justice to the sponsors of the code under consideration, or in justice to the industries already under approved codes, in order to preserve a common level of code provisions among allied industries, or competitive industries operating under like or similar conditions. Such suggested revision included proposed provisions to be revised or deleted and the insertion of pertinent provisions ommitted.

During the early stages of the function of review the summary was of a somewhat primitive nature. Later when the complexities of review increased due to the ever increasing number of facets of consideration essential to weld the proposed subject matter into an equitable whole, and as the number of approved codes launched upon the industrial waters of the United States collided or shipped water badly upon industrial shoals not taken into consideration by the sponsoring navigators, the summary was refined and made more complete to adjust itself to the changing conditions.

Mr. Earl M. Jeffrey and Mr. H. A. O'Connell were in a large measure responsible for the development of the review method in its early stages and for the standardization of the forms of documents used in writing up reviews.

Establishment of the Function of Review as a Separate Division:

On February 8, 1934 under Office Order #68 (Exhibit III-a) the Review Division was formally created. The order set forth the duties and responsibilities of the Review Division. These duties and responsibilities are set

forth in Part III as a basis of the activities of the Review Division.

Ever Increasing Volume of Codes and Orders:

The ever increasing volume of codes and orders, plus the increased duties of the Review Division necessitated increased personnel, and by the end of 1933 the review of documents in the executive office had reached such proportions that the staff of three men, assigned to such work, - although working until midnight five nights a week - could not give each code and its accompanying documents the deliberate scrutiny it deserved and still place on the Administrator's desk the reviewed code with summary and recommendations within 24 hours after receipt by the Executive Officer.

This nucleous of three men moved from the executive office #4840-38 to quarters in #4826-24 about January 17, 1934 and additional personnel added as applicants presented themselves with the required qualifications to perform the duties of reviewing codes and orders.

Type of Personnel Selected:

After consideration of all angles of the duties to be performed it was felt that since the work involved a substantial legal aspect, coupled with an equally important economic aspect, the personnel should consist of men capable of analytical thinking with a legal and economic training. It developed that the applicants who were attorneys by profession had for the most part in their pre-law work included the study of at least the basic principles of economics, and hence the personnel of the Review Division aside from the stenographic corps was composed, for the most part, of attorneys. The question presented itself as to the desirable length of active practice the attorney applicant should have had in order that a necessary practicality of decision and maturity of judgment be brought to bear upon the problems presented for review. For the most part the attorneys appointed had from five to ten years active practice of law. The aptitude of the legally trained personnel to weigh the different aspects of a problem, with a reasonably accurate forecast of the probable outcome or effect of different lines of policy procedure, stood the Review Division in good stead. The inquiring type of mind of the attorney that leads him to accept reluctantly uncorroborated conclusions was of substantial benefit. In most cases the attorneys, as a result of a number of years of active practice, were familiar with the operations of different industries, and coming as they did from all sections of the country their personal experience as attorneys for various industries was available. The result was an extremely high type of work, conscientiously and thoroughly performed; and due to the high type of personnel a minimum of harassing personnel irritation was encountered.

Organization Development of the Review Division:

While the function of review was exercised in the executive office, as a part of the duties of the Executive Officer, no formal organization was necessary due to the fact that but three men were so engaged. With the increase in personnel more formal organization was required. The first organization method invoked was the separation of the personnel into three sections, (Exhibit II-1): (1) a Code Section for the review of codes and amendments, in charge of Mr. H. A. O'Connell up to May, 1934, and since that time in charge of Mr. Robert C. Ayers, under whom the difficult work of reviewing the later and more complicated codes was done; (2) an Interpretation Section for the

review of interpretations, the Classification Section for the review of classification problems, including exemptions authorized therewith. The Classification Section, shortly thereafter, was consolidated with the Interpretation Section, and the consolidated section was designated as the Rulings Section of the Review Division.

This division of work, and the division of the organization in two sections, continued until March 1935, when the two sections were increased to three by the establishment of a Policy Section.

The duties of the Policy Section included the coordination of policy within the Review Division, the promulgation of precedents as to established policy, and a Training School.

The policy precedent was for the internal use of the Review Division only, and was for the purpose of covering policy not covered in the Office Manual, or revision of the policy stated in the Manual when subsequent administrative action changed the policy stated in the Manual. (Exhibit II-e). These precedents were compiled day by day by Mr. H. A. O'Connell from the records of current actions of the administration.

The Review Division had a broader view of all the work of the NRA than any other division. This was natural because all of the work of the NRA flowed eventually into codes, amendments, orders, and documents of one kind or another; and all of these passed under the scrutiny of the Review Division.

Because of this fact, the Review Division was the best place to train men for work in the NRA and particularly to train men as code assistants in the industry divisions.

Having this in mind the Review Officer suggested to the Control Officer in February 1935 that he be authorized to carry five or six men in excess of his requirement for the purpose of training and for eventual transfer to other divisions. This was approved by the Control Officer and the plan was put into effect. The training school was organized and conducted by Mr. Horace C. Thurber.

A newly appointed member of the professional group would be enrolled in the school and trained in all subjects pertaining to the work of the Division. Also older members, not having experience in all branches of the Division's work, would be trained in the branches lacking.

From the last of January 1935 until the latter part of May 1935 the progress of the training school was as follows:

Total number of men in training 18

Men transferred to industry division after Training 2

Men transferred temporarily from other Divisions for complete course 1

Men within Review Division trained for Industry divisions 6

New entrants - trained for Review Division or Industry Division work 9

The result of this course prepared the men for administrative procedure and established policy within the industry divisions, and they were ready for their eventual transfer to such divisions.

The sections thus established later were sub-divided into various units, each in charge of a unit chief, with generally about four men. Such a unit handled a specialized work, - as the Budget Unit which reviewed code administration budgets, submitted by the industries and trades for the approval of the Administration; the Exemptions Unit reviewed orders granting or denying industry members application for exemption from certain codes or code provisions. In some cases the particular class of document reviewed did not necessitate a separate unit and such classes of documents were combined in one unit. The unit chiefs during the greater part of the life of the Review Division were Mr. Clifford P. Grant, Mr. Daniel S. Ring, Mr. L. L. Krentzlin and Mr. T. T. Marye. At various times Mr. John B. Beach, Mr. T. V. Griffith and Mr. John Dunning were acting unit chiefs.

Mr. J. N. Freeman and Mr. L. Q. C. Lamar were assistants to the Section Chiefs of the Code and Rulings Sections, respectively.

In June 1935 the following sections and units were present in the Review Division:

CODE SECTION

Code Unit — Orders Unit

RULINGS SECTION

Interpretation Unit — Exemption Unit

POLICY SECTION

Policy Precedents — Training School

To Mr. Karl M. Jeffrey must be accorded a large share of the credit for setting up the organization of the Division and carrying through the work of selecting this personnel, and in general for the administration of the Division from its creation down to the present time.

Stenographic Corps:

For approximately a year stenographers were assigned to each unit. The stenographic work was done within the unit. Later, in January 1935 a stenographic pool was established in which all stenographic work was done.

Files:

In the early stages of the Review Division section and unit files

were kept. About the same time as the stenographic pool was established a general filing system was inaugurated. The methods of filing were carefully considered before being put in operation, and today it is believed the files and records of the Review Division contain material of great importance, which is promptly available when any question or problem of code development or trends arises. During the later months of the history of the Review Division Mr. John B. Dunning, as the executive assistant, performed efficient work in supervising the general work of the office outside of the actual work of review.

Method of Handling Incoming and Outgoing documents:

From the time the function of review was inaugurated until June 1935 all documents submitted for review were recorded as to name, number of documents, serial number, date of receipt and date of forwarding. Of the thousands of documents, and copies, handled by the Review Division none were lost.

This method of tabulation, (Exhibit II-g), was of great benefit in innumerable instances when a misconception existed in the deputy's mind that the Review Division was holding documents overly long; when, as a matter of fact, the documents had not been submitted as yet; or had been reviewed and forwarded.

The Rulings Section, because of the larger volume of documents handled, established a "score board" whereby it was possible at a glance to determine the progress of documents, (by the use of variously colored buttons), from the time of receipt to the time of forwarding, and the time element involved. By this and other means Mr. Reilly succeeded in organizing the work of the section in such a manner that it was able to handle the volume passing through as promptly as the figures hereafter cited show to have been the case.

Under Statistics, Part V, the period of time taken by the Review Division to review documents, is shown the comparative periods in which documents were reviewed.

The entire personnel cooperated to the Nth degree, and often almost beyond the limits of physical and mental endurance, to perfect the prompt review of documents. This necessitated much night work, holiday work, Sunday work, throughout the months. In addition to those persons already referred to, mention should be made of Mr. John P. Kelso, Mr. Robert H. Cavanaugh, Mr. Norman T. Raymond and Mr. Russell M. Weaver for their valuable contributions to particular phases of the Review Division work.

24-Hour Dead Line:

An important factor in the review of documents was the element of time. The document was purportedly in shape for administrative approval, hence promptness in the review consistent with the responsibilities of the Review Division was a necessity.

A mythical 24-hour "deadline" was established as a mark to "shoot at", since some documents, particularly the codes of some industries, were elaborate, complex and technical. Other circumstances sometimes delayed the forwarding of documents. After receipt of the document it would be discovered

that an essential part had not been submitted by the deputy, (as the transcript of hearing), and at the request of the deputy the document was kept in the Review Division until the deputy had forwarded the lacking portion.

Early Informal Contact with Deputies.

Contrasted with Subsequent Procedure:

In the early stages of the functions of review, when the organization was small, when a question arose as to the permissibility of a code provision (when but few documents other than codes were reviewed), or other matter of policy, the reviewer sought out the deputy and in a short informal discussion of the problem quickly settled the moot points. As the NRA organization became larger and different parts quartered in various parts of Washington such procedure became undesirable, so that by June 1935 personal contact between the Review Division and the various other Divisions was comparatively non-existent.

When the NRA organization had expanded considerably and personal conference with the various deputies, because of the press of work upon the reviewer, consumed valuable time in going to and from the deputies' offices, and because deputies on account of the increased number of public hearings were so often absent from their offices, the next step of adjustment of differences of opinion as to established policy was to return the document to the deputy with a written summary pointing out inconsistencies in policy. In the press of work in the deputy's office often all adjustments were not made, and a second return of the document was necessary for corrections before the Review Division could forward the documents for approval.

This constant return of documents to the deputies to make omitted changes finally led to a change of procedure under which the submitted document, after review, was not resubmitted after changes to the Review Division; but, after review, was forwarded to the approving officer if without substantial defects; or, if in the opinion of the Review Division so defective as to preclude approval, returned to the deputy or Division submitting the document.

Procedure by Which Documents Were Reviewed:

Method of Formulating Review Division Reports:

Incoming documents, after recorded in the Document Record work, were forwarded to the unit handling that type of work. A member of the unit, other than the unit chief, reviewed the document. If the reviewer was not confident that he could express the opinion of the Review Division on any particular subject he consulted with the unit chief; who in turn, if doubt existed in his mind, consulted with the section chief who supervised the work of the unit in question. In these cases where the section chief was in doubt the Review Officer was consulted. This method of procedure resulted in a minimum change in the written reports of the Review Division.

After completion the written report was in turn scrutinized by the unit chief, the section chief, and in certain cases the office of the Review Officer. The primary responsibility for expressing the opinion of the Review Division rested upon the reviewer. If changes were made by the unit chief

or section chief the primary responsibility shifted, in respect to such changes, upon the officer making the changes. The general responsibility of the work, of course, rested upon the Review Officer. The shifting of responsibility is to be regarded as a device of organization within the Division.

Review Officer's Conferences as a Method of Policy,

Clarification and Organization Coordination:

The Review Officer held morning conferences five days a week, at which on Monday the immediate staff of the Review Officer, section chiefs, and unit chiefs attended. The length of the conferences varied according to the current policy situation of the Administration from a quarter of an hour to, in unusual cases, one hour or more. This Monday conference provided the Review Officer with the opportunity of effectively correcting faulty expressions of policy, and also further refinements of procedural organization as the need demanded. Here, too, new expressions of administrative policy could be dissected in the light of practical application of its trend to the documents submitted for review.

On the succeeding days each unit had a conference day, attended by the immediate staff of the Review Officer, the section chief under which the unit operated, the unit chief, and such members of the unit as had difficult problems of policy to discuss.

PART III - ACTIVITIES

Scope of Activities Determined by Duties Established in Various Office Orders, and the Office Manual, Together With Sources of Administrative Policy upon which the Function of Review Was Based:

A history of the activities of the Review Division seems logically based upon the duties and responsibilities as set forth in various office orders under which the Division functioned, and the sources of administrative policy upon which the function of review was based.

Formal Constitution of the Review Division:

The Review Division was formally constituted on February 8, 1934, under authority of Office Order #68, (Exhibit III-a), although the function of review had been informally exercised since the passage of the Act. The order made the Review Division responsible for the -

(a) Review of codes and orders submitted for the action of the Administrator for the purpose of (1) verifying compliance with established policies and (2) preparing a brief summary for the information of the Administrator;

(b) Review of all rulings made pursuant to approved codes for the purpose of disclosing (1) inconsistencies with established policies and (2) inconsistencies between such rulings;

(c) Study of all problems of doubtful classification;

(d) Review of approved codes for the purpose of suggesting amendments to bring them into accord with established policy;

(e) Such other functions in the nature of review and coordination as may be assigned by the Administrator from time to time.

The order further provided that each Advisory Board, the Legal Division, and the Research and Planning Division assign an Adviser to the Review Division.

The order in addition provided that there be referred to the Review Division:

(a) Copies of rulings of Division Administrators;

(b) Findings and recommendations of Code Authorities on classification problems involving more than one industry division;

(c) All correspondence from members of industry requesting decision on matters of classification where such classification was in doubt, (Exhibit III-b).

Activities of the Review Division as Revealed by Various Office Orders, and the Office Manual:

Procedure for Compiling Documentary Record for Codes:

Office Order #43, dated November 21, 1933, previously mentioned, (Exhibit III-c), entitled "Procedure for Compiling a Record of Original Documentary Matter for Codes of Fair Competition", was formulated by Mr. Alvin Brown, Executive Officer, in the first comprehensive effort to create an adequate record of documentary matter of codes submitted for administrative recommendation of approval. The effect of this order resulted in not only the creation of an adequate record in support of administrative action but also standardized the form of documentary presentation.

Interpretations:

Office Order #53, dated December 29, 1933, (Exhibit III-d), on interpretations was likewise the first comprehensive exposition on the problem of the efficient handling of interpretation problems.

General Interpretations:

"In the case of a general interpretation, the Review Officer will append a report on the inconsistency or consistency with approved policies of the proposed interpretation and any proposed modification thereof." (Part III - 3134.1)

Ordinary Interpretations:

"If he finds the interpretation is not inconsistent with approved policies, the Review Officer will so indicate....". If he finds the interpretation is inconsistent with approved policies the Review Officer will indicate modification which would result in consistency and return to the Division Administrator...When finally found not inconsistent the Review Officer will return it to the Division Administrator for signature and release." (Part III - 3134.2)

Classification Problems:

Office Order #59, dated January 15, 1934, (Exhibit III-e), on classification problems in turn established a comprehensive procedure and method of solution for this problem.

Office Order #60, dated January 16, 1934, (Exhibit III-f), entitled "Procedure to be Followed by All Divisions in Ruling on Interpretations, exceptions and exemptions or modifications to approved codes", further clarified and standardized the procedure in respect to the above subject.

Coordination of Code Provisions:

Office Order #65, dated January 31, 1934, (Exhibit III-g), entitled "Coordination of Code Provisions" established a method of procedure for the coordination of policy throughout the NRA to lessen the number of codes submitted for review, which materially departed from established policy.

Code Administration Problems:

Office Order #75, dated March 26, 1934, (Exhibit III-h) entitled "Procedure to be followed by All Divisions in Ruling on Code Administrative Problems" provided in part as respected the Review Division:

"5 - Review Division.

a. In order to coordinate the final rulings of all Division Administrators and the decisions of Policy Boards, copies of all such rulings and decisions will be submitted to the Review Division.

b. If after study and review by the Review Division the Chief thereof decided that a final ruling of a Division Administrator or a decision of a Policy Board is inconsistent he will propose a change in such ruling or decision to the Division Administrator or Policy Board concerned. Upon agreement action will be taken accordingly. In case of disagreement the case will be presented to the Administrator for his decision. However, the final ruling of the Division Administrator or the decision of the Policy Board stands until disapproved by the Administrator."

Policy Decisions Governing Code-Making:

Office Order #76, dated March 26, 1934, (Exhibit III-i), entitled "Procedure to be Followed by All Divisions in Obtaining Policy Decisions Governing Code Making", in respect to the Review Division provided:

"4. a. In order to coordinate the final rulings of all Division Administrators and the decisions of Policy Boards, copies of all such rulings and decisions will be submitted to the Review Division.

b. If after study and review by the Review Division the Chief thereof decided that a final ruling of a Division Administrator or a decision of a Policy Board is inconsistent he will propose a change in such ruling or decision to the Division Administrator or Policy Board concerned. Upon agreement action will be taken accordingly. In case of disagreement, the case will be presented to the Administrator for his decision. However, the final ruling of the Division Administrator or the decision of the Policy Board stands until disapproved by the Administrator."

Appointment of Review Officer:

Office Order #83, dated April 9, 1934, (Exhibit III-j), entitled "Creation of a Staff", appointed Mr. Alvin Brown Review Officer, and Assistant Administrator. The order provided, in part, that -

"The Review Officer will review all documents for the action of the Administrator and all final decisions of Division heads and staff members for consistency with approved policy, and will forward them with his comments to the appropriate staff member or Division head".

Procedure for Obtaining Administrator's Approval:

Office Order #87, dated May 14, 1934, (Exhibit III-k), entitled "Procedure to be Followed by All Divisions in Obtaining Administrator's Approval of Documents Requiring Such Approval", did not establish a new procedure but was in explanation and amplification of Office Orders #75, #76, and #83. It provided in part that:

"If there was any doubt in the mind of a Division head as to the existing policy affecting a decision requiring his approval he should present the case to the Review Officer before any commitment was made to industry."

Service Trades:

Office Order #97, dated June 28, 1934, (Exhibit III-l), entitled "Service Trades" provided in part that:

"3. - When local codes of fair trade practices for localities are submitted with proper agreement from the members of the trade for any locality under said Order, such local codes may be approved by the Administrator, if deemed by him to tend to effectuate the purposes of the Act, and without reference to any advisory Board when found by the Review Division to be in conformity with existing NRA policy; and otherwise shall go through normal procedure."

Office Manual:

The Office Manual amplified and extended the activities of the Review Division, in many instances beyond the scope of previous office orders.

Administrative Proposals for Code Amendments:

The Office Manual provided in respect to Administration proposals for amendments to codes that:

"The Review Division will compile, study and file all Administration proposals as received. Whether a Code Authority proposal is referred to it, or at any time upon the request of the deputy, the Review Division will submit a report and recommendation to the Deputy upon all such proposals from the standpoint of consistency with approved policy and the elimination of conflicts." (Part II - 5233.2)

"Within 72 hours of receipt of a proposed amendment.....the Review Division will submit a report." (Part II - 5251.1)

Notice of Public Hearing:

"If the decision is to publish a notice of opportunity to be heard the procedure will be as follows:

If the Division Administrator is in doubt as to whether or not there is an established policy which should govern the content of the proposed amendment he will consult the Review Division, which will inform him of the governing policy, if there be such, within 24 hours. (Part II - 5270)

The Review Division will check the Notice and Order for consistency and approved policy. If found to be inconsistent with policy, the Review Division will point out the inconsistency and return the document to the Division Administrator for correction. (Part II - 5270.3)

When cleared by the Review Division or the Administrative Officer, (if a deviation from policy is involved), the Notice will be signed and released by the Division Administrator and the Order will be held until the expiration of the waiting period." (Part II - 5270.5)

Interpretation File:

"An interpretation file will be established in the Review Division and in the Legal Division, which will contain copies of all approved interpretations, including general interpretations, and of important explanations...." (Part III - 3121.2)

Exemptions:

"When the Division Administrator has made his decision, but prior to his signature thereto, he will forward the entire file to the Review Officer. The Review Officer will check the ruling for consistency with approved policy. If found inconsistent with policy the Review Officer will point out the divergencies and return the documents within 24 hours for correction....." (Part III - 3235.41)

Stays:

"In the case of stays for the Administrator's signature, the Review Officer will append a report on the inconsistency or consistency with approved policies of the proposed stay and any proposed modification thereof....." (Part III - 3235.42)

* Exceptions Under Executive Order #6646:

"The Review Officer will, if satisfied that the exception is in proper form and consistent with policy, transmit it to the Administrative officer for actual approval, or for review by him prior to approval by the Compliance and Enforcement Director". (Part III - 4624)

Plans for Labor Complaints Committee:

"The Review Officer will review the documents for consistency with required form and approved policy, and will return them within 48 hours to the Division Administrator, pointing out any inconsistencies".

Review of Outgoing Mail:

"The Control Section...in order to be assured...that outgoing mail...is in conformance with NRA procedure...and policy...may....refer correspondence to the Review Division....." (Part IV - 3453.2)

Review of Proposed Codes Before Date of Public Hearing:

"The Review Division will submit a report to the Deputy Administrator to point out inconsistencies with approved policy in the proposed code." (Part II - 2305)

Review of Trade Practice Complaints Committees:

"The Review Officer will review the documents for consistency with required form and approved policy, and will return them within 48 hours to the Division Administrator, pointing out any inconsistencies before signature." (Part III - 1423.52)

Review of By-Laws of Code Authorities:

"The Review Officer will review the documents for consistency with required form and approved policy, and will return them within 48 hours to the Division Administrator, pointing out any inconsistencies before signature." (Part III - 1224.2)

Recognition of Code Authorities:

"The Review Officer will review the documents for consistency with required form and approved policy, and will return them within 24 hours to the Division Administrator, pointing out any inconsistencies before signature." (Part III - 1124.2)

Acts of Code Authority, Subject to Disapproval by NRA:

Office Memorandum #336, dated February 13, 1935, (Exhibit III-m), -entitled, "Determinations Respecting Acts of Code Authorities and Their Agencies which are Subject to Disapproval by NRA", provided that the rulings on the propriety of such actions be submitted for review.

Budgets and Bases of Contribution:

Office Memorandum #358, dated May 15, 1935, (Exhibit III-n), entitled "Procedure for Handling Budgets and Bases of Contribution and Financial Reports of Code Authorities", provided in part that all such documents shall be submitted to the Review Division.

Transmission of Orders for Signature of Administrative Officer:

Office Memorandum #330, dated January 25, 1935, (Exhibit III-o), entitled "Transmission of Orders for Signature of Administrative Officer Through Review Division", provided that the resubmittal of documents to which the Review Division had made exceptions or comment be made through the Review Division, and not as formerly direct to the Administrative Officer. The purpose of the change was to enable the Review Division to modify its review in the light of any changes made by the submitting authority, and thus simplify the consideration which must be given to it by the Administrative Officer.

Terminations of Exemptions Under Administrative Order X-36:

Office Order #94, dated June 19, 1934, (Exhibit III-p), entitled "Termination of Exemptions Granted in Administrative Order X-36", provided in part that the determinations of Division Administrators upon such applications would be final rulings, subject to the disapproval of the Administrator, and copies filed with the Review Division for review in the regular course.

Sources of Administrative Policy Upon Which the Function of Review Was Based:

It is interesting at this point to relate the various sources of administrative policy upon which the function of review was based.

(a) Title I of the National Industrial Recovery Act naturally established the broad boundaries of administrative policy, (Exhibit I-a).

(b) The Executive Orders issued by the President in respect to Title I of the Act, (Exhibit III-q).

(c) The declarations of policy by the Administrator, which were expressed in notations upon the summary of the document submitted for approval, (Exhibit I-c).

(d) Administrative Orders, (Exhibit III-r), Office Orders and Office Memorandums, constituted an important source of policy.

(e) The confidential Policy Memorandum of October 25, 1933, (Exhibit II-a), was an especially important, clear cut, exposition of fundamental principles of policy, and was of great and lasting benefit not only in the function of review but as a clarifying medium on policy for the entire Administration.

(f) The Model Code, (Exhibit II-b), as its name indicates, sponsored by the Legal Division containing approved wording and construction of standard code provisions.

(g) The expressions of the various Advisory Boards, when approved by the Administrator.

(h) After the establishment of the National Industrial Recovery Board, as the directing agency of the Administration, in lieu of the office of Administrator, the expressions of that Board, the Executive Secretary, and the Administrative Officer constituted determinations of policy, (Exhibit III-s).

(i) Expressions of the Advisory Council in the absence of approval of one of the authorities referred to in (h) were not regarded as determinations of policy, but on doubtful points of policy were strongly persuasive, (Exhibit III-t).

(j) Decisions of the Industrial Appeals Board were regarded as authoritative expressions of policy when approved by the National Industrial Recovery Board, (Exhibit III-u).

(k) Expressions of policy contained in reviews set a precedent for future reviews, except as they might be modified in the light of any subsequent determinations of policy.

From the above sources policy determinations were gathered, correlated, interpreted as to the results sought to be achieved, and the practical application of the policy to the subject matter under review.

Review Officer's Expression of Function of Review:

It seems but appropriate that the definition of the function of review as expressed by Mr. Alvin Brown, Review Officer, on December 8, 1934, in a talk before the Training School for NRA Executives, (Exhibit III-v), should establish the basis for the exposition of the nature of the function. Mr. Brown said, in part:

"The Review Division is the last port of call for each formal action before it goes before the official who must assume the responsibility for approving it.

"Its function is, by advice and suggestion, to promote consistency of action throughout the organization. By "action" is meant those formal acts by which the Administration expresses its will. By "consistency" is meant a uniformity of execution of established policy, uniformity of application of administrative discretion, and correctness of application of code provisions.

"Policy is a determination of administrative discretion applied usually in advance to a general set of facts, so that when it has been applied it determines future action, whenever that same set of facts occur.

"Administrative discretion must be applied to new situations unguided largely by policy. Administrative discretion then is an application of judgment to a particular, special set of facts - a determination which rests principally on sound judgment.

"In administrative action, based on the application of code provisions - here policy is non-existent practically because policy.....

"So that this is its function; striving to promote uniformity of action throughout the organization. The Review Division tries to insure consistency with established policy and that is important chiefly in the consideration of codes and amendments, because those are the things which become the embodiment of policy. It strives further to insure uniformity in the exercise of administrative discretion and, of course, a typical example of such an action is an exemption. There is no policy - little policy, at least, governing an exemption. It is like an act of judicial or executive clemency. It rests on sound judgment as to the equities in the case. We also strive to insure consistency with code provisions and that is important particularly in supplemental orders, orders pursuant to a code. Many codes of course, leave certain steps open to future decision, involving some discretion, perhaps some policy, but primarily an insurance that the step which is taken is consistent with the provisions of the

code itself; and, of course, the necessity for insuring consistency with code provisions is particularly important in the case of interpretations.

"Now you may ask why is this necessary, this function of review for these purposes. Why the viewpoint, the information which is brought to the function of review, cannot properly be exercised by the person who has the initial responsibility. It cannot generally in the nature of things, because of the size of the problems we deal with and complexity of all its aspects. We have something approaching 600 codes, and together with supplemental codes somewhere between 700 and 800. We have a large number of deputies and assistant deputies, with their staffs. They are organized in a dozen divisions. They are specialists in each of their codes. We try to be specialists in those particular things with which we are charged, in other words, consistency of action. We try to supply the want which one deputy may have in not knowing what some other deputy way over there may be doing. The man over there may have worked out a very good solution in a particular case. This man over here has no means of knowing what it is. The Review Division is the only division which is able to supply that lack, and of course the reason why it is able to supply the lack is not due to any particular qualifications of its personnel, but is due to the position in which it is located, in that all formal acts flow through the Review Division and are there examined. We have specialists, not on particular codes, but we have specialists on interpretations, on exemptions, on classifications and so on. Thus by bringing the specialist's viewpoint on policy and uniformity of action into conjunction with the specialist's viewpoint on the particular industry, I like to think we get the best sort of action.

"What we render is advice and suggestion. It is not mandatory. We are not, for example, a court of appeals which has the right to deny anything. The official who takes the responsibility for signing does not have to follow our suggestions. Our function ends with advice."

Function of Review as Reflected by Review Division Summary and Memorandum:

Summary:

The Review Division Summary has been heretofore briefly mentioned, (Exhibit II-c). A more detailed explanation of the summary is believed pertinent. The summary was a tabloid condensation of the provisions of a document submitted for review, with the objections of the various advisers inserted under the criticised subject matter.

The Review Division (this designation is used to include the function of review prior to formal establishment of the Review Division on February 8, 1934), raised queries as to the objectionable nature of the subject matter, in respect to established policy, concurring or disagreeing with the recommendations of the various advisers. A later development in the form and content of the summary was the divorcement of the opinion of the Review Division from the summary and the establishment of a Review Division Memorandum. Under this procedure the Review summary contained in greatly condensed form the provisions of the submitted document, with any objections raised by the various advisers. (Exhibit III-y).

Memorandum:

The Review Division Memorandum contained the opinion of the Review Division, in the light of established policy, as to the suitability of the document as reviewed to receive administrative approval. The memorandum stated whether the document was believed to be in accord with established policy. If the document was believed to contain subject matter precluding administrative approval the document was "excepted" to. An "exception" was an objection on the part of the Review Division of such a substantial nature, based upon the attempted wide divergence from established policy, precluding recommendation for administrative approval. A "Comment", on the other hand, pointed out minor discrepancies in policy or procedure, which would benefit the document if revised in accord with the recommendations stated in the "comment", but which were not of such substantial nature as to preclude administrative approval. As an incident to the function of review the examination of the documents brought to light errors of form, errors of spelling, and word construction, and inaccuracies of statement. Such errors were pointed out under the caption "Suggestions as to Form", on the theory that such documents became public records and as such should be carefully formulated as to felicity of language and accuracy of statement.

Outline of Summary Memorandum:

The summary memorandum, in respect to codes, contained a condensed version of:

(1) The definition of industry;

(2) Basic Maximum Hours and Minimum Wage provisions, with classes of employees, if any, excepted from the basic provisions, and the hours and wage rates provided for each such class;

(3) Code Authority Organizations;
  (a) Number and qualifications of members,
  (b) Method of election, including right to vote,
  (c) Powers of the Code Authority to administer the code;

(4) Trade Practices;

(5) Constitution and By-Laws of Sponsoring Association or Associations:
  (a) Admission to membership,
    1 - Automatic admission of member upon code coverage
    2 - Amount of initiation fees,
    3 - Amount annual dues,

  (b) Causes for suspension of expulsion;

(6) Assent of industry to code, and measure of authority sponsors were delegated by industry to submitted code and revised code.

(7) Objections of Advisory Boards - Industrial, Labor, and Consumers'; objections of Legal Division and Research and Planning Division, if any, and the deputy's answer to such objections.

President's Reemployment Agreement:

Interpretations of Sec. 4(a) - National Industrial Recovery Act:

During the months of July and August 1933 mimeographed releases interpreting the President's Reemployment Agreement, Section 4(a) of the NIRA, were distributed, as the agreement was written in language intended to be flexible to meet many varieties of conditions and as a result interpretations were required from time to time as uncertainties in the application of the agreement developed. (Exhibit III-w).

NRA Bulletin No. 6 - Substituted Wages and Hours:

Under date of October 14, 1935, NRA Bulletin No. 6 - "Substituted Wages and Hours - Provisions of the President's Reemployment Agreement" - became the substantive guide for such provisions. As a result, the Review Division Summary contained in the summary heading a notation whether or not the industry whose code was under consideration for approval had, or had not, substituted wages and hour provisions of the PRA, pending formal approval of the industry's code of fair competition, (Exhibit III-x).

PART IV - PROBLEMS

Administrative Problems in the Review Division:

The Review Division was singularly free from many of the problems that some other portions of the NRA organization seemed to encounter. The problem of the competent type of personnel was early solved. The problem of lagging organization changes was not encountered. The organization structure was extremely flexible. Its principle divisions of functions were capable of an extremely large range of sub-division without alteration of the fundamental conception. The changing trends of NRA administration procedure or administrative policy were closely watched; in many cases anticipated, and organization plans drawn capable of being put into immediate operation when procedure or policy changes were put into effect.

Establishment of Consistent Policy Procedure:

A problem of major importance presented itself in the accurate concise compilation of policy upon the hundreds of subjects on which the Administration had established a policy. It was as important to differentiate between provisions upon which no policy had been established as to known established policy, in order that an intelligent recommendation to the approving officer, after consideration of all facets of principles and trends, had been made.

The Administrator for many months was the fountain head of policy, his action in approving, conditionally approving, or disapproving the subject matter of provisions submitted for approval established precedents for policy procedure in future actions. Later the Board, the Administrative Office, the Advisory Council, when its recommendations were affirmed by the Board, became the originating ground for policy.

In order that there might be consistency of action within the Review Division a policy manual was made, for use only within the Review Division, in which the subject matter of provisions submitted for review was classified and if policy had been established as to a particular subject matter the established policy was stated, with the source of precedent which established the policy. If no policy had been established the fact was so noted. This manual, which was compiled by Mr. H. A. O'Connell, was written in July 1934 and approved by Mr. Blackwell Smith, Assistant General Counsel of NRA. It is interesting to note that the principles of policy set forth in the Review Division Manual (Exhibit IV-a), was incorporated practically verbatim in the official NRA Manual, issued later.

Compilation of Established Policy by Review Officer as of June 1935:

The Review Officer, Mr. Alvin Brown, on June 12, 1935, made a compilation of established policy, with revised arrangement and form, which contains the latest exposition of the principles of established policy of the National Recovery Administration. (Exhibit IV-b).

Appointment of Code Assistants in Divisions:

With the Review Division Policy Manual as a basis of consistent policy procedure within the Division the next problem to solve was the method of maintaining like consistency of action in the offices of the deputies. At

this time the Industry Divisions had been established, and in an attempt to solve this problem recommendations were made that the office of Code Assistant be created in each Division, as a liaison of policy procedure between the Review Division and the various industry divisions. Code Assistants were appointed and very substantially helped the deputies in formulating codes and other documents conforming to established policy, while such documents were in the process of formulation. The Review Division kept the Code Assistants advised and informed of current policy changes, and the result was that a great amount of objectionable subject matter was removed at the source, and in a comparatively short time a much higher grade of document, in respect to absence of objectionable provisions, was submitted for administrative approval. (Exhibit IV-c).

Safe-Guarding the Approving Officer:

Another outstanding problem was the somewhat delicate position of the Review Officer in the exercise of its duties, in safe-guarding the approving officer. The delicacy of its position resulted from the natural desire of the deputies to have the documents in their charge approved at the earliest possible moment. The sponsors of the code, (after protracted periods of negotiations), or other documents were also anxious for their immediate approval. These factors created a resistance to suggested version of the document submitted for review. The duties of the Review Division were plainly stated - the review of documents for inconsistencies with established policy, and procedure; and it is believed that the records will verify the statement that the Review Division performed its task with all promptness consistent with its responsibilities.

Cooperative Results:

As the different members of the industry divisions became better acquainted with the work of the Review Division a fine spirit of cooperation developed, and this particular problem was solved, although constantly changing personnel and additional personnel; with the increase of the number of industry divisions, constantly provided a minor problem in policy education and procedure. (Exhibit IV-d).

PART V - STATISTICS

Documentary Statistical Record of the Review Division:

Number and Nature of Documents Reviewed:

Shortly after the formal constitution of the Review Division on February 8, 1934, a formal method of recording the number and nature of the documents reviewed was inaugurated.

The records show that during the period from February 12, 1934, to and including June 22, 1935, the Review Division received and completed a review of 14,186 documents. The use of the word "documents" is to be taken in the same sense of a unit of work reviewed. For example, a review of a code, with Volumes I, II and III, containing a score or more of attached documents, was recorded as the review of one document.

This total was composes of the following calssifications:

1.	Codes	349
2.	Code Amendments	1030
3.	Proposed Amendments	246
4.	Basic Codes and Consolidations	10
5.	Administrative Orders and Stays	1349
6.	Budgets	1198
7.	Approval of Exemptions	2939
8.	Denials of Exemptions	985
9.	Exceptions to Executive Order #6646	78
10.	Interpretations	1023
11.	Classifications	378
12.	Recognition, election and selection of Code Authority Members	1668
13.	Appointment of Code Administration Members	768
14.	Code Authority By-Laws	713
15.	Plans for handling labor complaints	23
16.	Plans for Handling Trade Practice Complaints	756
17.	Regional Agreements	112
18.	Cost-Accounting Systems and Cost Formulae	45
19.	Preview of Notices of Hearing	62
20.	Appointments of Special Committees	2
21.	Miscellaneous Division Orders	107
22.	Miscellaneous Cases	155
	TOTAL.....	14,186

Period of Time Taken by the Review Division to Review Documents:

An examination of the Review Division records, for the period of January 28, 1935 to May 27, 1935, inclusive, as to the period of time between the receipt of the document by the Review Division and the forwarding of the document to the approving authority or return to the submitting authority, reveals of the 5,914 documents reviewed during this period the following comparative tabulation:

	Number of Documents	Percentage
Completed same calendar day document rec'd.	1821	30.8
" first " " after receipt	2635	44.51
" second " " " "	1135	19.2
" third " " " "	221	3.73
" fourth " " " "	66	1.12
" fifth " " " "	24	.41
" sixth " " " "	8	.15
" seventh " " " "	4	.08
TOTAL....	5914	100.00

Test Survey of Documents Submitted for Review, as to Morning or Afternoon Arrival:

Documents checked into the Division, for example at 4:45 o'clock P. M. were considered as being in one day. Documents checked out of the Review Division, for example at 9:15 o'clock, A. M., were considered as being in the Division for that day. A test survey of the records indicates that 62-2/10 per cent of the documents submitted for review were received by the Review Division before one o'clock P. M., and 37-8/10 per cent were received after that hour.

Test Survey of Documents Submitted for Review as to Morning or Afternoon Release:

A test survey of the records indicates that 37-7/10 per cent of the documents reviewed were checked out of the Review Division before one o'clock P.M. and 62-3/10 per cent were checked out after one o'clock P.M.

Cumulative Percentage Data, as to Period of Time for Review:

The above tabulation show that of the 5,914 documents reviewed from January 26, 1935 to May 27, 1935, inclusive, the review of 30.8 per cent of the documents was completed and checked out the same calendar day; 75.31 per cent of the documents were completed and checked out the following day; 94.51 per cent by the second calendar day after receipt; and 98.24 per cent by the third calendar day.

The records thus indicate that over such five month period the Review Division held only 5.49 per cent of documents over two calendar days after receipt, of which 3.75 per cent were checked out the following day.

Total Number of Documents Approved by Administration from Passage of the Act until May 27, 1935:

Code Record reports a total of 17,866 documents approved by the Administration from the passage of the Act on June 16, 1933 to May 27, 1935. Of this number 811 were approved between June 16, 1933 and February 12, 1934. This number of approved documents added to the total of 14,186 gives 14,997 documents reviewed by the Review Division out of the grand total of 17,866 approved documents filed in Code Record Section. The difference of 2,869 documents, not sent to the Review Division for review represents in part Executive Orders, Administrative X-orders, and the remaining balance documents

approved by Division Administrator, before review - which should have been sent to the Review Division for review after approval, but which were erroneously sent directly to Code Record Section for permanent filing.

Percentage of Documents Submitted for Review Containing Provisions Contrary to Established Policy: CODES:

A test survey for the months of May and August, 1934, of the Review Division, (Exhibit V-a), shows that of the 137 codes reviewed exceptions were taken by the Review Division to 106 of the 137 documents or 77 per cent of the number submitted for review. An "exception", as previously pointed out, was an objection so substantially based upon divergence from the channels of established policy as in the opinion of the Review Division precluded Administrative approval. One exception was taken to 39 codes, or 28 per cent of those submitted; two exceptions were taken to 34 codes, or 25 per cent of those submitted; three to twelve exceptions were taken to the remaining 33 codes, or 24 per cent of those submitted.

A report on exceptions taken on reviewed codes for March 1935, (also included in Exhibit V-a), shows 132 codes reviewed with 239 exceptions taken. One exception was taken to 68 codes, or 28 per cent; two exceptions were taken to 42 codes, or 18 per cent; three to twelve exceptions taken to the remaining 129 codes, or 54 per cent.

Amendments:

The records show that in respect to amendments reviewed during May and August 1934, (Exhibit V-b), that of the 60 amendments submitted, exception was taken to 22, or 36 per cent of those submitted for review.

Combining the number of codes and amendments, of the 197 submitted for review exception was taken to 128 or 65 per cent.

Other Orders (Exclusive of Codes and Amendments):

A test survey from February 12, 1934 to July 28, 1934 of other orders, exclusive of codes and amendments, totaling 2585, show that 496 were found defective and exception taken. The 496 documents constituted 19 per cent of those received during this period.

Executive Personnel of the Review Division:

Office Memorandum, dated April 9, 1934, (Exhibit V-c), listed under the Administrative Staff Mr. Alvin Brown appointed as Review Officer for the Review Division.

Office memorandum, No. 197, dated May 4, 1934 (Exhibit V-d) appointed Mr. E. M. Jeffrey as Chief of the Review Division; Mr. M. Creditor and Mr. A. Heath Onthank as Assistant Review Officers; Mr. H. A. O'Connell and Mr. Frank A. Reilly as Assistants to the Chief of the Review Division. The latter part of May 1934 Mr. Robert C. Ayers was appointed Assistant to the Chief of the Review Division.

Personnel and Cost Data in Administration of the Review Division:

The Review Division in February 1934 had a total personnel of 34 persons, 23 in the professional group and 11 in the stenographic and clerical group. The steadily increasing volume of work and the dispatch demanded in the review of documents necessitated increased personnel. In January, 1935, personnel totaled 63; 36 in the professional group and 27 in the stenographic and clerical group. On June 16, 1935 (Exhibit V-e) a total of 60 were employed; 39 in the professional group and 21 in the stenographic and clerical group. A chart as of May 19, 1935, is also shown as Exhibit V-f which displays the sections and units of the Review Division as of that date.

Review Division Space Assignments After Formal Constitution:

The review Division was always maintained in the U. S. Department of Commerce, Washington, D. C., and as previously mentioned review was first begun as a definite function in the Executive Offices #4840-38, but activities of the function soon made it necessary to have larger quarters for operations and the successive moves are shown in Exhibit V-g, after the formal constitution of the Review Division.

Cost of Operation of Review Division:

The cost of operation of the Review Division, without inclusion of such cost items as heat, light, telephone service and cleaning, from February 8, 1934 to June 15, 1935 was $218,997.24, which may be broken down as follows:

Salaries (per annum basis)	$207,370.34
Salaries (per diem basis)	9,659.06
Travel	42.57
Printing and Binding	24.05
Furniture and Equipment	751.05
Telephone (L.D.) and telegraph	39.34
Office Supplies	1,109.83
TOTAL.....	$218,997.24

Conclusion:

The history of the Review Division has been written without attempting to delve in minutia, but rather to portray the fundamental characteristic features of the Division so that a reader without previous knowledge of the work of the Division may obtain an intelligent picture of the part it played in the trans-constitutional flight of the Blue Eagle.

* * *

- L'envoi -

And of the Review Division, let it be said -

"De Mortius Nil Nisi Bonum"

I N D E X

-A-

Act, National Industrial Recovery..... 1
Activities,
as revealed by various Office Orders..... 12
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